

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA :

- v. - :

SEALED INDICTMENT

JOSE FRANCISCO MENDOZA,
a/k/a "Jose Vidales-Mendoza,"
a/k/a "Juan Carlos Flores,"
a/k/a "Pepe,"

S1 07 Cr. 756

FRANCISCO AMBRIZ, JR.,
a/k/a "Pee Wee,"

ALBA NAZARIO,
a/k/a "La Flaca,"
a/k/a "Geovany,"

JEIMY ORTIZ,
EMERSON GUZMAN,
a/k/a "Flaco,"
a/k/a "Charlie,"

ELVIS TEJADA,
ROSALY GARCIA-GUZMAN,
a/k/a "Charlie,"
a/k/a "Shally,"

CANDIDO RAFAEL FERNANDEZ,
a/k/a "Ralphie,"

CESAR ESTEVEZ,
a/k/a "Boli,"
a/k/a "Bolivita,"

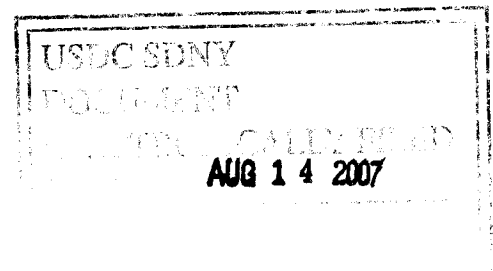
Defendants. :

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COUNT ONE

The Grand Jury charges:

1. From in or about at least December 2005 until at least in or about mid-2007, in the Southern District of New York and elsewhere, JOSE FRANCISCO MENDOZA, a/k/a "Jose Vidales-Mendoza," a/k/a "Juan Carlos Flores," a/k/a "Pepe," FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," ALBA NAZARIO, a/k/a "La Flaca," a/k/a "Geovany," JEIMY ORTIZ, EMERSON GUZMAN, a/k/a "Flaco,"



a/k/a "Charlie," ELVIS TEJADA, ROSALY GARCIA-GUZMAN, a/k/a "Charlie," a/k/a "Shally," CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," and CESAR ESTEVEZ, a/k/a "Boli," a/k/a "Bolivita," the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE FRANCISCO MENDOZA, a/k/a "Jose Vidales-Mendoza," a/k/a "Juan Carlos Flores," a/k/a "Pepe," FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," ALBA NAZARIO, a/k/a "La Flaca," a/k/a "Geovany," JEIMY ORTIZ, EMERSON GUZMAN, a/k/a "Flaco," a/k/a "Charlie," ELVIS TEJADA, ROSALY GARCIA-GUZMAN, a/k/a "Charlie," a/k/a "Shally," CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," and CESAR ESTEVEZ, a/k/a "Boli," a/k/a "Bolivita," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

3. It was a further part and an object of the conspiracy that FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," EMERSON GUZMAN, a/k/a "Flaco," a/k/a "Charlie," CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," and CESAR ESTEVEZ, a/k/a "Boli," a/k/a

"Bolivita," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about February 2006, EMERSON GUZMAN, a/k/a "Flaco," a/k/a "Charlie," the defendant, transported approximately 11 kilograms of cocaine from Atlanta, Georgia to New York, New York.

b. In or about March 2006, GUZMAN transported approximately 10 kilograms of cocaine from Atlanta, Georgia to New York, New York.

c. In or about March 2006, FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," the defendant, delivered approximately 10 kilograms of cocaine to a co-conspirator not named as a defendant herein who then transported it to New York, New York.

d. In or about April 2006, GUZMAN transported approximately 14 kilograms of cocaine from Atlanta, Georgia to

New York, New York.

e. In or about May 2006, AMBRIZ delivered approximately 12 kilograms of cocaine to a co-conspirator not named as a defendant herein who then transported it to New York, New York.

f. In or about May 2006, GUZMAN transported approximately 12 kilograms of cocaine from Atlanta, Georgia to New York, New York.

g. In or about May 2006, AMBRIZ delivered approximately 1 kilogram of heroin to a co-conspirator not named as a defendant herein who then transported it to New York, New York.

h. In or about May 2006, GUZMAN possessed approximately 1 kilogram of heroin in New York, New York.

i. From in or about June 2006 to in or about October 2006, ALBA NAZARIO, a/k/a "La Flaca," a/k/a "Geovany," and JEIMY ORTIZ, the defendants, transported multi-kilogram quantities of cocaine from Atlanta, Georgia to New York, New York, and transported narcotics proceeds from New York, New York to Atlanta, Georgia.

j. In or about October 2006, ORTIZ possessed approximately \$540,000 in Davidson County, North Carolina.

k. In or about October 2006, JOSE FRANCISCO-MENDOZA, a/k/a "Jose Vidales-Mendoza," a/k/a "Juan Carlos

Flores," a/k/a "Pepe," and ELVIS TEJADA, the defendants, traveled to Nyack, New York to conduct a drug transaction involving approximately 100 kilograms of cocaine.

l. In or about October 2006, TEJADA possessed approximately 10 kilograms of cocaine in the Bronx, New York.

m. In or about October 2006, ROSALY GARCIA-GUZMAN, a/k/a "Charlie, a/k/a "Shally," the defendant, possessed approximately 14 kilograms of cocaine in New York, New York.

n. In or about October 2006, CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," the defendant, delivered approximately \$54,000 in narcotics proceeds to a co-conspirator not named as a defendant herein in New York, New York.

o. In or about October 2006, FERNANDEZ delivered a quantity of heroin to CESAR ESTEVEZ, a/k/a "Boli," a/k/a "Bolivita," the defendant.

p. In or about November 2006, ESTEVEZ possessed approximately 15 kilograms of cocaine in New York, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE FRANCISCO MENDOZA, a/k/a "Jose Vidales-Mendoza," a/k/a "Juan Carlos Flores," a/k/a "Pepe," FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," ALBA NAZARIO, a/k/a "La Flaca," a/k/a "Geovany," JEIMY ORTIZ,

EMERSON GUZMAN, a/k/a "Flaco," a/k/a "Charlie," ELVIS TEJADA, ROSALY GARCIA-GUZMAN, a/k/a "Charlie," a/k/a "Shally," CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," and CESAR ESTEVEZ, a/k/a "Boli," a/k/a "Bolivita," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that JOSE FRANCISCO MENDOZA, a/k/a "Jose Vidales-Mendosa," a/k/a "Juan Carlos Flores," a/k/a "Pepe," FRANCISCO AMBRIZ, JR., a/k/a "Pee Wee," ALBA NAZARIO, a/k/a "La Flaca," a/k/a "Geovany," JEIMY ORTIZ, EMERSON GUZMAN, a/k/a "Flaco," a/k/a "Charlie," ELVIS TEJADA, ROSALY GARCIA-GUZMAN, a/k/a "Charlie," a/k/a "Shally," CANDIDO RAFAEL FERNANDEZ, a/k/a "Ralphie," and CESAR ESTEVEZ, a/k/a "Boli," a/k/a "Bolivita," the defendants, obtained directly and indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Assets Provision

6. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant--

a. cannot be located upon the exercise of due diligence;

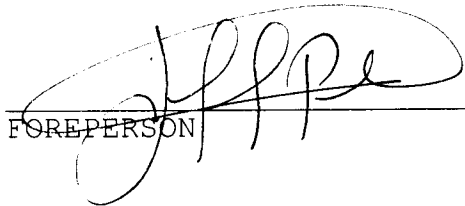
b. has been transferred or sold to, or deposited with, a third party;

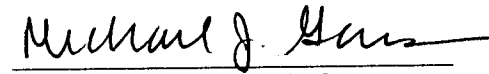
c.has been placed beyond the jurisdiction of the court;

d.has been substantially diminished in value; or

e.has been commingled with other property which cannot be divided without difficulty; it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 841(a)(1),
846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE FRANCISCO MENDOZA,
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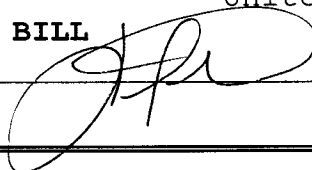
Defendants.

INDICTMENT

S1 07 Cr. _____
(Title 21, United States Code,
Section 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.
